

One Boy's View of the Welfare System

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Since the 1997 passage of the "Personal Responsibility and Work Opportunity Reconciliation Act"¹ popularly known as the "Welfare Reform Act,"² I have had great concern about the impact of welfare reform on the children in this nation. I believe that higher education institutions, and especially

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¹ Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Pub. L. No. 104-193, 110 Stat. 2105 (codified as amended in scattered sections of 42 U.S.C.).

² See generally Elaine Sorensen & Robert Lerman, *Welfare Reform and Low-Income Noncustodial Fathers*, CHALLENGE, July-Aug. 1998, at 101. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) was designed to alter the government support system for families in need. See 42 U.S.C. § 601(a) (Supp. 1997). The PRWORA terminated the federal entitlement to Aid to Families with Dependent Children (AFDC) and replaced it with new legislation requiring time-limited support, increased work requirements and stronger child support enforcement measures. See 42 U.S.C. §§ 601-03, 608 (1994 & Supp. 1997). Block grants are provided to states and are to be administered as Temporary Assistance for Needy Families (TANF). See 42 U.S.C. §§ 601-04 (Supp. 1997). States that fail to meet specified work participation rates will suffer a reduction in the block grant. See 42 U.S.C. § 607 (Supp. 1997). By the year 2002, 50% of single-parent TANF families must satisfy the state work requirements and by the year 1999, 90% of two-parent TANF families must be working. See generally Douglas H. Reiniger, *Law Affecting Children and Families: 1997 Legislative Review*, 219 N.Y. L.J. 29 (1998).

The Department of Health and Human Services is one of two federal agencies attempting to study the impact of welfare reform on children who constitute about 6 million of the 8.4 million welfare recipients nationwide. Health and Human Services is paying for a \$5 million initiative through which several states will be studied in order to assess how children who receive benefits are coping with the policy changes. Most data compilation regarding the issue will be collected and analyzed between 1999 and 2001. The Census Bureau is also investigating the effects of welfare reform, and they will be compiling information through 2002. See Stacy Hawkins Adams, *How Children Fare: State's Families Adapt to Changing Landscape*, RICH. TIME-DISPATCH, Dec. 13, 1998, at A1.

law schools, have paid scant attention to issues of poverty and particularly to the welfare system of this country. When we focus on children in the law school curriculum, our attention has been devoted largely to studies of juvenile delinquency, not to the way that children with limited economic resources have to live their lives.³

My interest is more than professional; it is personal as well. As we discuss welfare reform we must not lose sight of the fact that there is a human dimension to welfare reform. Statistics often belie the fact that welfare reform has clear and direct human consequences. To help us focus on the human dimension of welfare reform, I want to share the story of the impact that America's welfare system had on one solitary boy who struggled for survival in the harsh line-drawing-world that existed for those enmeshed in poverty in the 1950s and 1960s.

In the responses to my memoir, *Life on the Color Line: The True Story of a White Boy Who Discovered He Was Black*,⁴ many have focused almost exclusively on the white to black transition of my life. That of course was important. The racial division of this country was and remains significant, even though I understood little of it from my vantage point of wealth, privilege and opportunity in the 1950s. However, at the age of ten I experienced the disintegration of my family and the bankruptcy of my father's business. It was on a lonely bus trip to my father's boyhood home in Indiana that I began to develop an understanding that not everyone was able to have the privileged existence I lived in postwar Virginia.

My father's economic success as a tavern owner was enormous. In the first ten years of my life, I saw no times of economic need or want. All that changed in January 1954, on a twenty-four hour Greyhound bus trip from Washington,

³ See generally Jennifer R. Gavin, *Child Welfare Law Curricula in Legal Education: Massachusetts' Untried Opportunity*, 7 B.U. PUB. INT. L.J. 9 (1998). Child welfare issues are lacking the requisite focus in most American law schools. "Every law school should offer its students the opportunity to learn about children's issues (including related topics such as poverty and disability law) as part of their substantive studies, and to represent children and families as part of clinical training programs during their law school years." *Id.* at 20 (quoting AMERICAN BAR ASSOC. PRESIDENTIAL WORKING GROUP ON THE UNMET NEEDS OF CHILDREN & THEIR FAMILIES, AMERICA'S CHILDREN AT RISK: A NATIONAL AGENDA FOR LEGAL ACTION, at v (1993)). To underscore how law schools need to increase their curricular attention to child welfare issues, this Article cites to a 1993 study conducted by the American Bar Association. The study sought to examine how the justice system can better serve children. *Id.* at 19. In the ABA study, Judge A. Leon Higginbotham, Jr., declared that "'our society is failing to protect its children.'" *Id.*

⁴ GREGORY H. WILLIAMS, *LIFE ON THE COLOR LINE: THE TRUE STORY OF A WHITE BOY WHO DISCOVERED HE WAS BLACK* (1995).

D.C. to Muncie, Indiana. It was on that trip that I discovered that my deeply tanned father was not Italian or Greek, as he and my mother had repeated to my brother and me time and again. He was black, and the elderly black woman, whom I had known only as a family cook, was in fact my black grandmother. I vividly recall, on that trip to Indiana, that my father leaned across the aisle as the bus traveled through central Ohio, and whispered to us, lest he be heard by the white passengers on the bus. He spoke to us in the vernacular of the times. "In Virginia you were white boys, in Indiana you are going to be colored boys," he said. Having grown up in segregated Virginia, I had some idea of what the overnight transformation from white to black might mean for me. I was fearful of it. But I had no idea that an economic free-fall awaited my father, brother, and me.

At age ten, I learned a lesson that I have never forgotten. Racial division has substantial economic effects—especially if you are on the wrong side of America's color line. My father's amazing financial success as a white man in postwar Virginia was not to be replicated in his status as a black man in Indiana. He fell from his perch as a \$50,000 a year Virginia tavern keeper to a \$50 a week Indiana janitor. Unable to psychologically cope with the absolute destruction of the world he had built, he soon numbed himself in alcoholism. Life is never as neat and precise as we would like it to be, and my father's descent into the depths of poverty and despair was not a journey he traveled alone. My brother and I traveled the downward economic spiral with him. Like many children of today,⁵ we did not choose, nor did we willingly embrace, the poverty that smacked us in the face. We were only ten and eight years old and were without choices and alternatives.

Many people who have read my autobiography have remarked that while reading it, they have a strong urge to eat—they become hungry. While I often chuckle to myself about that, I realize that I was able to recreate that time of my life when my brother and I were in fact hungry most of the time. I recall the talk

⁵ According to statistics cited in the legislation of recent welfare reform, "The first section of the act does vividly quantify the problem in a statement of the average monthly number of children receiving AFDC benefits: 3.3 million in 1965, 6.2 million in 1970, 7.4 million in 1980, 9.3 million in 1992, and an estimated 12 million in year 2002." Samuel H. Beer, *Welfare Reform: Revolution or Retrenchment?*, PUBLIUS, Summer 1998, at 9, 12 (citing BLOCK GRANTS OR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, H.R. 3734, tit.1, § 101 (1996)). See U.S. Census Bureau, U.S. Dep't of Commerce, *Poverty Rate Down, Household Income Up—Both Return to 1989 Pre-Recession Levels*, *Census Bureau Reports* (last modified Sept. 28, 1998) <<http://www.census.gov/Press-Release/cb98-175.html>>. The number of poor people in the United States in 1997 was 35.6 million, statistically unchanged from 1996. Poverty rates in 1997 for all children was 19.9%. *Id.*

during the Reagan and Bush Administration⁶ about the government providing a "safety net" for those in need. In the 1950s, there was no government safety net for us in Indiana. Our safety net was provided by a fifty-five year old black woman with an eighth grade education from Grady, Arkansas—Dora Weekley Terry.

She came into our lives as we struggled to connect with our black grandmother whose life, like our father's, was controlled by alcoholism. There had been no joyous reunion with her when we stood penniless and broken at the door of our grandmother's tar paper shack at 601½ Railroad Street in Muncie, Indiana. She was angry. She had been denied by her son and by her daughter-in-law. My brother and I were found guilty by her of being co-conspirators. We were the ones who paid the debt of humiliation and desertion she suffered from my family. She chose not to reach out to us. But, it was in my grandmother's hostile, angry, tension-filled shack that Miss Dora appeared like an angel to two affection-starved boys seeking a kind and sympathetic word or just a friendly face.

At first I did not pay much attention to her, lost deep in the depths of my own misery. But her daily visits soon made her the bright spot of our day. Every evening between 6:30 and 7:00, we sat beside my grandmother's pot-bellied stove, stomachs rumbling from a sparse meal, and we raised our heads in hope as we heard the smack of the gate against the fence post. Miss Dora's serene smile filled the doorway, and her shadow cast a calmness over my grandmother's shack. Most of my attention was riveted on her tattered shopping bag. It was one of the few times in those days that I dared to let a smile fill my face. I relished the evenings when a small piece of homemade cake or pie, baked earlier in the

⁶ In discussing particular government spending cuts, President Reagan declared that "the social safety net for the elderly, needy, disabled and unemployed will be left intact." *Reagan Says U.S. Needs 'A Second Revolution' / State of the Union Address*, S.F. CHRON., Feb. 7, 1985, at 1. The "safety net" has been described as "the assistance of last resort for persons who cannot support themselves." Lee May, *Reagan Years: As Some Suffer, Others Prosper: The Working Poor Losing Ground in Fight for Survival*, L.A. TIMES, Feb. 3, 1985, at 1; see also Spencer Rich, *Report Says President Aided Rich*, WASH. POST, Aug. 16, 1984, at A1. President Reagan's terms in office were described as:

During his first term he asked for cuts in social welfare programs that by 1985, if passed, would have reduced outlays for that year by 17.2 percent (\$75 billion) below the level authorized by prior law. Congress allowed 8.8 percent in cuts, but the president succeeded in taking away many benefits from those who were "the least needy" of the poor.

day for the family for whom she worked, was lifted gingerly from deep inside her bag. But the treats were more than a supplement for our meager meals. They were small acts of kindness that showed someone still cared about us. Later, she recounted to me that she could hardly hold back her tears when she walked into that shack and saw both my grandmother and father passed out on the floor drunk while my brother and I sat there absolutely bewildered by the poverty and the anger we faced from whites and blacks alike.

She was a fifty-five year old widow, not related to us, working six days a week, ten hours a day, for twenty-five dollars. She had virtually nothing, but she was willing to share all that she had with us. With no thought of reward or recognition, she took us into her home and made us her family. There were not any legal formalities such as adoption, custody, or guardianship. Those words were foreign to her, though they are now part of my profession as a lawyer. She saw something that almost everyone else chose to avoid, evade, or ignore. She saw two little boys in need, and she reached out to us. She became our "safety net."

She took my brother and me into her home, and she continued to labor as a domestic six days a week, fifty-two weeks a year. I remember she made that trek in winter and in summer, and in good weather and in bad, whether she was sick or not. She knew that two little boys absolutely depended on her. Though she owed us nothing, she willingly accepted the responsibility of being our mother.

Often I waited for her on the so-called "colored" side of the railroad tracks. I will never forget her figure in the distance, turning the corner, beginning the slow walk home, her dress softly flowing in the breeze, her shoulders sloped, heavy from her day's toil. Often it looked like she could barely make it. Finally, she reached Muncie's racial dividing line, the railroad tracks, and handed me the tattered shopping bag. I never once heard her complain about the meager salary she earned or the hours she labored to earn it.

She was a marked contrast to my father, who always urged me in his alcohol-induced language to never sell myself cheaply. "Your labor is all you have to give," he would say. He never had much staying power, especially at the menial, mundane jobs that were the standard for Muncie blacks. Miss Dora knew that the coins tossed her way were what made the difference between starvation and survival for my brother and me. In the vernacular of our times, my father "talked the talk," but Miss Dora was the one who "walked the walk." Miss Dora tried to do all that she could, but unlike the biblical story, she was not able to multiply the loaves, and the tattered shopping bag did have a bottom. We soon learned that we could not survive solely on leftovers from her employer's table and her meager salary.

It is the futility of those times I remember when I think about welfare reform.⁷ Out of her twenty-five dollars a week salary, Miss Dora paid for gas and electricity, bought coal, and fed and clothed my brother and me. We made several pleas for help to the welfare department, but they were denied. Then one day, we received a letter summoning us to the welfare office. I will never forget that day. My brother and I followed Miss Dora into the ill-lit room. The pock-faced young white man bombarded her with questions:

What you doin' with two white boys?
Where's their real mother?
Why doesn't their daddy work?
Isn't twenty-five dollars enough to live on?
Do all you people think there's free money up here?⁸

I stood next to her feeling a mixture of both shame and rage. Shame that the woman who never asked for anything but an opportunity to care for two little boys was being subjected to such personal indignities and rage at the spoken and unspoken insults he hurled at her. We did get a check from the welfare office that afternoon, but when I saw it, I was humiliated to learn that we had been insulted and embarrassed for a mere \$5.50.

That \$5.50 was supposed to feed, clothe, and provide for heat and shelter for one week. The money did not stretch that far. However, you quickly learn that if you are among those citizens bound to see America from the bottom looking up, you have few choices. Our only option was to return the following week to beg for another \$5.50. Our entreaties fell on deaf ears. Like many families, we were caught by the rule that said, "If you had a live daddy, you were dead at the welfare office." The \$5.50 we received from the welfare office was the first and last public assistance money that came our way.

That was not my last contact with Indiana's welfare system. In the late 1950s and early 1960s, Indiana was deeply involved in the commodities program. The commodities program involved the distribution of "surplus" food to Americans mired in poverty. My family clearly qualified for that program. If memory serves me accurately, we were allowed a once-a-month trip to the office of the township trustee. Our monthly allocation included one five pound block of cheese, a two pound bag of pinto beans, one canister of U.S. Army surplus mustard yellow powdered eggs, and one box of powdered milk. The powdered eggs we received

⁷ See Barbara Robinson, *Abandoning Our Children*, LAS VEGAS REV.-J., July 24, 1998, at 2 (arguing that recent welfare reforms are punitive and children are lacking protection from the government).

⁸ See WILLIAMS, *supra* note 4, at 79-80.

do not bear any relation to any egg substitute that exists today. The taste of the powdered milk still looms in my subconscious, and it is not a pleasant, soothing memory.

Now some might say, I should have been happy—I received something for which I did not pay. That is true, by age eleven, I had only a part-time job, not a full-time one, and I could not fully support myself. You might also say my dad was a deadbeat anyway and that was just my tough luck. Of course, you would not be the first person to make that statement. Actually, I was grateful for the handout. My brother and I were hungry and would suffer any humiliation necessary to eat regularly. But I have to admit that as I sat in my elementary school classroom and the sawdust taste of the powdered eggs clung to the undissolved flakes of the powdered milk in my mouth, I began to wonder about my value and importance to the state of Indiana.⁹ Though I was the first person in my class to recite by heart the Gettysburg Address,¹⁰ I had no illusion that I, nor any of my classmates who stood in the welfare and commodities line with me, were special or even noticed children. In fact, we were mostly invisible. Not out of sight, but certainly out of mind. We were expected to mouth the platitudes of the times, while our stomachs rumbled in hunger. Although we were young, we were not unobservant. We knew that the odds of overcoming the adversity of our youth loomed large.¹¹

⁹ The state of Indiana welfare statutes of the 1950s and 1960s provided public assistance to children through the state and county departments. *See* IND. CODE ANN. § 12-52-1252 (Burns 1964) (repealed 1992). "The state department of public welfare shall cooperate with the county departments of public welfare . . . in establishing, extending and strengthening, especially in predominately rural areas, public welfare services for the protection and care of homeless, dependent, and neglected children and children in danger of becoming delinquent." *Id.* In addition, the statutes indicate that "[t]he state shall allocate monthly to any county, on the basis of ascertained need, out of any funds received from the federal government for that purpose, such amount as the state department shall determine, in conformity with the federal social security act and the rules and regulations . . . in defraying the expenses and obligations incurred for child welfare services." *Id.* § 12-52-1254.

¹⁰ Abraham Lincoln, The Gettysburg Address (Nov. 19, 1863), in JOHN BARTLETT, *FAMILIAR QUOTATIONS* 450 (Justin Kaplan ed., 1995).

¹¹ Going on welfare can be an extremely humiliating experience for families and their children. "It seems likely that certain aspects of one's psyche, such as pride, and certain sources of personal value, such as the ability to provide for one's family, are suppressed in order to permit one psychologically to accept welfare and the concomitant change in personal status." Lee Anne Fennell, *Interdependence and Choice in Distributive Justice: The Welfare Conundrum*, 1994 WIS. L. REV. 235, 307. "The effort spent by welfare providers in implementing demeaning procedures is itself a social cost. Those welfare recipients who decide to endure the humiliation suffer needless disutility from the humiliating delivery of funds." *Id.* at 302.

I certainly was lucky, but many others who tried just as hard as I did were not successful. When I reflect on those times, I recall a quote from former U.S. Senator Fred Harris. He said we seem to have a belief in this country "that if you are poor, you ought to be punished." He continued, "Well, I've been poor and being poor is punishment enough."

Sometimes I wonder if things would have been different if a lawyer had been available to help us. Then maybe Miss Dora would have known that she could have applied for more money from the State of Indiana. Maybe a lawyer could have argued that my brother and I were dependent children,¹² deprived of parental support and under her care and guardianship. If we were dependent children, state statutes were in effect at the time that could have helped us immensely. One statute read that:

¹² The term "dependent child" was defined as:

[A] needy child, under the age of sixteen [16] years or under the age of eighteen [18] years if found by the county department having jurisdiction of such child under this act to be regularly attending school, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and whose relatives liable under the law for his support are not able to provide adequate care or support for such child without public assistance, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt, in a place of residence maintained by one [1] or more of such relatives as his or their home.

IND. CODE ANN. § 12-52-1001(e) (Burns 1964) (repealed 1992).

If a child was deemed a "dependent child" by the State of Indiana, a determination was made as to whether that child was eligible for public assistance. Dependent children were eligible for assistance if they met a one year residency requirement. *See id.* § 12-52-1242. Written applications for assistance were made to the county department where the child resides and required verification by a parent or another standing in loco parentis to the dependent child. Upon application, the county was authorized to make an investigation of the living conditions of the dependent child. *See id.* § 12-52-1243. Upon completion of the investigation, the county would decide whether the dependent child was eligible for public assistance. *See id.* § 12-52-1244. The amount of assistance depended on the amount and kind of support a dependent child received from other sources. *See id.* For a detailed discussion of dependent children and the rules governing the process for public assistance see *id.* §§ 12-52-1240 to 1251.

Assistance . . . shall be granted for any dependent child . . . to provide such child with a reasonable subsistence compatible with decency and health, taking into consideration all needs essential to the well-being of the child. In no event shall the total amount paid to any dependent child other than for medical expense, for any calendar month, exceed fifty dollars.¹³

If a lawyer had been around to argue that we were destitute,¹⁴ we would have been eligible for \$62 a month.¹⁵ That money would have made a world of difference in our lives. It would have meant I would have been able to buy the glasses I needed before I reached the age of twenty. I would have sat in a dentist's chair long before my nineteenth birthday, and the struggle for our daily survival would have been removed from Miss Dora's sagging shoulders long before I got my first full-time job at age nineteen.

Of course, it is a sad commentary on our country to assume that only the intervention of a lawyer will ensure that an eleven year-old boy has enough food to eat. The memories of my childhood harkened back to me when I first heard the debate about the Clinton Administration's plan to end welfare as we know it, and that they would act to ensure that programs were in place to "soften the landing" for those removed from the welfare rolls. I know there is no soft landing if you have little or nothing to eat or if you have to go it alone to find food and shelter without help the way my brother and I did.

If it had not been for Miss Dora, we simply would not have survived. Though she made little money, her compassion and generosity were unmatched by my hometown politicians, who railed against handouts for the poor. Her compassion was unmatched by others who frowned at my dad, brother and me as we picked discarded fruit from the trash behind the local fruit market and as we

¹³ *Id.* § 12-52-1241.

¹⁴ A destitute child was defined as:

[A] needy child not a public ward, under the age of eighteen [18] years, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and whose relative liable under the law for his or her support are not able to provide adequate care or support for such child without public assistance, and who is in need of foster care, under circumstances which do not require that such child be made a public ward.

Id. § 12-52-1267.

¹⁵ The amount a destitute child was entitled to receive was determined by the county department and "[i]n no event shall the total amount paid to any destitute child other than for medical expenses, for any calendar month, exceed sixty-two dollars [\$62.00]." *Id.* § 12-52-1269.

gambled that we were not getting spoiled meat when we searched through the meat thrown out by the downtown butcher. I wish those experiences on no other child. I wish that I could say that the poverty, discrimination, violence, and frustration I faced as a child are nothing more than a historical footnote. But since my book has been released, I have spent the last four years traveling across the country, and it pains me to see that there are still places like my hometown all over this land.

Let me close with a final thought about the present state of welfare reform. During a speaking tour in Wisconsin, I had the opportunity to visit with an eighty year-old grandmother who was the sole caregiver for her eleven year-old granddaughter and eight year-old grandson. Their mother was dead, and the care fell to the grandmother. I understand that her case is not unique. The number of children in their grandparent's home has risen more than fifty percent in the last decade.¹⁶ In Wisconsin, under the state's kinship care program, relatives can receive \$215 a month for every child in their care.¹⁷ However, this grandmother

¹⁶ See U.S. Census Bureau, U. S. Dep't of Commerce, *Grandparents Day 1998: September 13: Life in Grandma's (and/or Grandpa's) House—The Grandparent's Perspective* (last modified Sept. 3, 1998) <<http://www.census.gov:80/Press-Release/grandpar.html>>. In 1997, 3.9 million (6%) of the nation's children lived in a grandparent's home, up 76 percent from the 2.2 million (3%) who did so in 1970. See *id.* Among these children, 47% lived with both grandparents, 47% resided only with their grandmother and 6% lived only with their grandfather. See *id.* About 670,000 children across the United States lived in their grandmother's home with neither their grandfather nor their parents present in 1997. See *id.* About two-thirds of these children were poor. See *id.* The overall poverty rate for children living in a grandparent's home was 27%; for children living in their parents' home it was 19%. See *id.*

¹⁷ See *Some Families Suffering as Welfare 'Ends' in Wisconsin*, COLUMBUS DISPATCH, Feb. 21, 1999, at B6 [hereinafter *Some Families Suffering*]. In Wisconsin, tougher welfare laws are

driv[ing] its welfare rolls to record lows, [and] the number of grandmothers pressed into action is reaching unexpected highs. Unwilling or unable to work for public aid, many of the state's most troubled mothers have lost their benefits, often en route to drug clinics, jail cells, shelters or the streets. And grandmothers . . . are being left to care for children abandoned along the way.

Id.; see generally Note, *The Policy of Penalty in Kinship Care*, 112 HARV. L. REV. 1047 (1999). Congress has mandated that TANF requirements apply to relatives as well as to parents. As a result, states are developing new methods of dealing with kinship care. Under the Wisconsin kinship program, a long-term kinship care relative must be appointed a child's legal guardian. The state bears the cost of care and maintenance for the child and gives such money to the relative. The relative is then forbidden from additionally receiving foster care payments. *Id.* at 1062. "In effect, relative caregivers are penalized twice: kinship care programs place

was repeatedly denied public assistance and was forced to rely on her own meager retirement money to support her young grandchildren. Despite the hardships of negotiating a system that ostensibly recognizes the problems of children needing care by relatives, Governor Tommy Thompson has asked the legislature to tighten the program's eligibility criteria to ensure that parents do not give or pretend to give their children to relatives to subvert welfare reform laws.¹⁸ Our lawmakers seem determined to ensure that no one, not even the least among us, receives benefits not properly due them.

I can conclude only that while over forty years have passed since my brother and I unsuccessfully tried to join the ranks of the welfare rolls to survive, there has not been a lot of change. The same moralistic concerns¹⁹ about giving money and assistance to those who might be able to fend for themselves continue. Lost in the mix are impoverished children, who neither sought nor seek the place they occupy in society. We continue to all too often rely on elderly, uneducated women to care for our lost children so we can take refuge in the belief that no one should receive a benefit for which they have not worked. As in the days of my youth, when it comes to philosophizing about the benefits of our society, the politicians "talk the talk." But when it comes to feeding and caring for our children, we continue to rely on elderly women to "walk the walk" and feed our children. We must do better.

relative caregivers squarely outside both the foster care system (therefore making them ineligible for the higher foster care payment rate) and the welfare system." *Id.* at 1063.

¹⁸ See *Some Families Suffering*, *supra* note 17, at B6. Republican Governor Tommy Thompson of Wisconsin officially ended welfare as it was known in Wisconsin by signing the W2 program into law in 1996. "The reforms cut caseloads from a high of around 100,000 to about 8,000 this spring—a historic decline of more than 91 percent." *Id.* The program, W2, Wisconsin Works, means that applying for public assistance requires an individual to also apply for a job. See *id.*

¹⁹ See Joel F. Handler, "Ending Welfare as We Know It"—*Wrong for Welfare, Wrong for Poverty*, 2 GEO. J. ON FIGHTING POVERTY 3, 4–5 (1994). Welfare has been equated with moral degradation and there seems to be no moral excuse from work for a poor individual. "When the reasons for poverty are morally ambiguous . . . programs are less generous and more suspicious of recipients' motives." *Id.* at 4.

